

Sixth Appellate District

San Jose, California

MONDAY, APRIL 21, 2003

H023113 PRINCE v. MALNICK, et al.

The order denying the special motion to strike is denied. The matter is remanded to the trial court with directions to grant the motion, to strike plaintiff's complaint, and to enter judgment for defendant. On appropriate motion, the trial court shall determine and award defendant's reasonable attorney fees and costs. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed April 21, 2003

H023377 PEOPLE v. DABBAGH

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed April 21, 2003

H022364 WHENMOUTH, et al. v. STATE OF CALIFORNIA; HICKS v. STATE OF CALIFORNIA

The Hicks judgment is reversed. That matter is remanded to the trial court with directions to find the State liable and proceed with the damages phase of the trial. Hicks shall recover her appellate costs. The Whenmouth judgment is affirmed. (not published)

(Mihara, J.; I concur: Bamattre-Manoukian, J.; with concurring and dissenting opinion by Rushing, P.J.)

Filed April 21, 2003

TUESDAY, APRIL 22, 2003

H024566 PEOPLE v. GILDARDO M.

The judgment is reversed. The matter is remanded to the juvenile court with instructions to dismiss count one of the amended petition. In addition, the juvenile court may make appropriate modifications of Gilardo's probation grant. (not published)

(Elia, J.; We concur: Rushing, P.J., Mihara, J.)

Filed April 22, 2003

H024445 In re JOHN C.; DFCS v. THERESA C.

The order appealed from is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 22, 2003

Sixth Appellate District

San Jose, California

Tuesday, April 22, 2003 (continued)

H023580 GREENLAW v. SMITH; COUNTY OF SANTA CLARA

The order after hearing to determine child support arrearages is reversed. The trial court is directed to enter an order confirming registration of the Washington court order and setting arrearages as \$3,298.96. Claimant is awarded costs on appeal. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 22, 2003

H024790 In re JACOB M.; DFCS v. WENDY G.

The order denying appellant's section 388 petition is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 22, 2003

H024246 PEOPLE v. SIEBERTZ

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 22, 2003

H024500 PEOPLE v. LENNY S., JR.

The juvenile court's order is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 22, 2003

H023879 PEOPLE v. RIVERA

By the Court:

The opinion which was filed on March 25, 2003, is certified for publication. (Elia, J.; Rushing, P.J., Premo, J.) The written opinion which was filed on March 25, 2003, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that the opinion be published in the official reports.

Filed: April 22, 2003

Rushing, P.J.

H023761 ROBERTS, etc., et al. v. Olson, etc.

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed April 22, 2003

Sixth Appellate District

San Jose, California

WEDNESDAY, APRIL 23, 2003

H022740 PEOPLE v. FERGUSON

Defendant's conviction for count 3 is stricken. We modify defendant's sentence by deleting the corresponding two-year concurrent term that was imposed on count 3. In all other respects, the judgment is affirmed. The superior court is directed to send a copy of the amended abstract of judgment to the Department of Corrections. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed April 23, 2003

THURSDAY, APRIL 24, 2003

H023806 NIGRO v. HEETER

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 24, 2003

H024377 ALBRIGHT, et al. v. DAVIS (HAHN)

The order for sale of dwelling is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 24, 2003

H023259 FORTE v. POWELL, et al.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: April 24, 2003

\*Before Rushing, P.J., Premo, J. and Elia, J.

H024021 PEOPLE v. HERNANDEZ

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: April 24, 2003

\*Before Rushing, P.J., Premo, J. and Elia, J.

H023691 HAYES v. SECURITY NATIONAL INSURANCE

By the Court\*:

Respondent's petition for rehearing is denied.

Filed: April 24, 2003

\*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

Sixth Appellate District

San Jose, California

Thursday, April 24, 2003 (continued)

H024635 THE PEOPLE v. MICHAEL P.

The probation conditions relating to "gangs" are amended to incorporate the definition of "criminal street gang" as stated in section 186.22, subdivisions (e) and (f). The probation condition that prohibits the minor from remaining in the presence of deadly or dangerous weapons is modified to state, "and not to knowingly remain in any building, vehicle, or in the presence of any person where deadly weapons exist." As modified, the judgment is affirmed. Upon remand, the trial court shall correct its orders. (not published)

(Rushing, P.J.; We concur: Elia, J., Mihara, J.)

Filed April 24, 2003

H024884 PEOPLE v. LANDAVERDE

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Elia, J., Mihara, J.)

Filed April 24, 2003

H024383 In re TREYNEL S.; DFCS v. MAKEBA L.

The order appealed from is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 24, 2003

FRIDAY, APRIL 25, 2003

H022985 PEOPLE v. VARELA

The judgment is reversed and the cause is remanded for a new trial. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 25, 2003

H024783 PEOPLE v. CAIN G.

The juvenile court's order is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed April 25, 2003

H024149 STEVEN A. v. SUSAN B.

The court's December 2001 order is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed April 25, 2003

Sixth Appellate District

San Jose, California

Friday, April 25, 2003 (continued)

H024533 PEOPLE v. GOMEZ

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed April 25, 2003